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**SENATE BILL 5532**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Braun, Rolfes, Fortunato, Wagoner, and Zeiger

Read first time 01/23/19. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to special education; amending RCW 28B.10.032,  
2 28A.155.090, 28A.150.550, 28A.155.220, 28A.150.390, and 28A.150.392;  
3 adding a new section to chapter 28A.415 RCW; adding a new section to  
4 chapter 28A.310 RCW; adding new sections to chapter 28A.320 RCW;  
5 adding a new section to chapter 28A.305 RCW; adding a new section to  
6 chapter 28A.155 RCW; and creating a new section.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **PART I**

9 **INTENT**

10 NEW SECTION. **Sec. 101.** (1) The state of Washington stands at a  
11 critical juncture in the education of students with disabilities. For  
12 too long special education in our state has languished with a  
13 piecemeal approach in both funding and practice.

14 (2) When compared to other states, including those with  
15 comparable funding, students with disabilities in Washington lag  
16 behind their peers. Washington ranks near the bottom nationally for  
17 inclusion of students with disabilities. Only seven states having a  
18 lower percentage of students spending eighty percent or more of their  
19 day in the general education classroom. The numbers are even more  
20 stark for students with intellectual disabilities, where only five

1 percent of students in Washington spend a majority of the day in  
2 regular classrooms. Only two states have inclusion rates that are  
3 worse.

4 (3) Washington does not fare much better when it comes to other  
5 basic indicators of success. Thirty-four percent of students with  
6 disabilities dropped out of school in 2017; only two other states  
7 reported worse dropout rates. Only fifty-eight percent of students  
8 receiving special education services earned their diploma in 2016.  
9 That puts Washington in the bottom thirteen in the nation.

10 (4) To ensure students with disabilities receive an education  
11 that prepares them for a meaningful and productive life, this act  
12 will focus on:

13 (a) Professional development for teachers to support best  
14 practices in special education;

15 (b) Providing advocacy support for families to help navigate the  
16 special education system;

17 (c) Establishing local special education advisory committees to  
18 better engage families and recognize the valuable role they play;

19 (d) Improving transition planning to support education and  
20 training after high school; and

21 (e) Revising funding formulas to better align to actual costs,  
22 and supporting cooperative efforts to provide services across  
23 districts.

24 (5) With this act, the state of Washington will advance  
25 expectations and lay a foundation that commits to ensuring every  
26 child with a disability has an opportunity to live a full,  
27 meaningful, and productive life.

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## PART II

29

### PROFESSIONAL DEVELOPMENT AND TEACHER PREPARATION COURSES

30 NEW SECTION. **Sec. 201.** A new section is added to chapter  
31 28A.415 RCW to read as follows:

32 (1) Each school district must provide professional development  
33 regarding special education that includes, but is not limited to, the  
34 following:

35 (a) Why some students with disabilities need special education or  
36 related services;

37 (b) How to recognize students with disabilities who may qualify  
38 for special education or related services; and

1 (c) Best practices for providing the following:

2 (i) For students with disabilities eligible for special  
3 education, access to the general education curriculum to obtain a  
4 diploma;

5 (ii) The opportunity for students with disabilities eligible for  
6 special education to participate in both school and work-based  
7 learning;

8 (iii) Inclusion of the classroom teacher in the development of  
9 the individualized education program;

10 (iv) How classroom teachers can provide special education in the  
11 general education classroom;

12 (v) A culture of high expectations for students with  
13 disabilities;

14 (vi) Effective and efficient classroom management; and

15 (vii) Appropriate transition services for students with  
16 disabilities eligible for special education, including collaborating  
17 with local community employers.

18 (2) (a) The professional development provided under this section  
19 must include all certificated and classified instructional staff,  
20 principals, and counselors, and may include other school and school  
21 district staff.

22 (b) For certificated instructional staff teaching students with  
23 disabilities in a general education classroom, the professional  
24 development provided under this section must be job-embedded as  
25 defined in RCW 28A.415.434.

26 **Sec. 202.** RCW 28B.10.032 and 1987 c 525 s 233 are each amended  
27 to read as follows:

28 (1) The state's public and private institutions of higher  
29 education offering teacher preparation programs and school districts  
30 are encouraged to explore ways to facilitate faculty exchanges, and  
31 other cooperative arrangements, to generate increased awareness and  
32 understanding by higher education faculty of the common school  
33 teaching experience and increased awareness and understanding by  
34 common school faculty of the teacher preparation programs.

35 (2) Each teacher preparation program shall include mandatory  
36 coursework on special education and related services that includes,  
37 but is not limited to, the following:

38 (a) Why some students with disabilities need special education or  
39 related services;

1 (b) How to recognize students with disabilities who may qualify  
2 for special education or related services;

3 (c) Best practices for providing the following:

4 (i) For students with disabilities eligible for special  
5 education, access to the general education curriculum to obtain a  
6 diploma;

7 (ii) The opportunity for students with disabilities eligible for  
8 special education to participate in both school and work-based  
9 learning;

10 (iii) Inclusion of the classroom teacher in the development of  
11 the individualized education program;

12 (iv) How classroom teachers can provide special education in the  
13 general education classroom;

14 (v) A culture of high expectations for students with  
15 disabilities;

16 (vi) Effective and efficient classroom management; and

17 (vii) Appropriate transition services, including collaborating  
18 with local community employers.

19 **PART III**

20 **ADVOCATE FOR THE CHILD**

21 NEW SECTION. Sec. 301. A new section is added to chapter  
22 28A.310 RCW to read as follows:

23 (1) Each educational service district shall provide or contract,  
24 or both, for special education advocates.

25 (2) The role of a special education advocate is to:

26 (a) Serve as a resource for a child with disabilities who is  
27 eligible for special education due to the disability and the child's  
28 parents and family;

29 (b) Advocate on behalf of the child for a free and appropriate  
30 public education from the public school system that emphasizes  
31 special education and related services that are:

32 (i) Provided in the least restrictive environment;

33 (ii) Designed to meet the child's unique needs;

34 (iii) Appropriately ambitious and reasonably calculated to enable  
35 a child to make progress in light of the child's circumstances; and

36 (iv) Addressing the child's further education, employment, and  
37 independent living goals; and

38 (c) Assist parents with any one or more of the following:

1 (i) Preparing for a meeting to develop or update their child's  
2 individualized education program;

3 (ii) Attending the individualized education program meetings to  
4 help present the parents' concerns, negotiate components that meet  
5 the parents' goals and requests, or otherwise assist with the  
6 understanding and navigation of the process;

7 (iii) Attending an individual education program meeting on behalf  
8 of the child to assist in writing an appropriate program when a  
9 parent opts out or otherwise cannot attend the meeting.

10 **PART IV**

11 **LOCAL SPECIAL EDUCATION ADVISORY COMMITTEES**

12 NEW SECTION. **Sec. 401.** A new section is added to chapter  
13 28A.320 RCW to read as follows:

14 (1) Each school district shall convene an ongoing special  
15 education advisory committee. The purposes of the committee are to:

16 (a) Increase parental and family involvement by providing a forum  
17 for parents, families, and the community to ask questions, propose  
18 solutions, and otherwise give feedback on the special education  
19 program in their schools; and

20 (b) Be a partner with the school district in its efforts to  
21 provide effective special education programming for eligible students  
22 with disabilities.

23 (2) The committee shall be appointed by the school board of  
24 directors and shall advise the school board through the school  
25 district superintendent.

26 (3) At a minimum, a majority of the committee members must be  
27 parents of children with disabilities or individuals with  
28 disabilities. The committee must also include one teacher member.  
29 Additional school or school district personnel shall serve only as  
30 consultants to the committee.

31 (4) The committee has the following duties:

32 (a) Advise the school district of needs in the education of  
33 children with disabilities;

34 (b) Participate in the development of priorities and strategies  
35 for meeting the identified needs of children with disabilities;

36 (c) Facilitate partnerships with community employers to provide  
37 appropriate transition services;

1 (d) Facilitate trainings by experienced outside consultants not  
2 employed by the school district, at least two times per school year  
3 to families of children with disabilities to teach families how to  
4 advocate for their child and to teach students with disabilities how  
5 to self-advocate;

6 (e) Submit periodic reports and recommendations to the school  
7 district superintendent for transmission to the school district board  
8 of directors regarding the education of children with disabilities;

9 (f) Assist the school district in interpreting plans to the  
10 community for meeting the special needs of children with disabilities  
11 for educational and transition services; and

12 (g) Review the school district proposed policies and procedures  
13 for the provision of special education and related services prior to  
14 submission to the school district board of directors.

15 (5) Committee meetings must be held at least four times in a  
16 school year and shall be open to the public.

17 (6) The school district must post on its web site: The names of  
18 the committee members; the committee meeting schedule and agendas;  
19 and information on the process for interested parties to express  
20 their views to the committee.

21 **PART V**

22 **REPORTING/RECOGNITION**

23 NEW SECTION. **Sec. 501.** A new section is added to chapter  
24 28A.320 RCW to read as follows:

25 (1) Beginning November 15, 2019, and every November 15th  
26 thereafter, each school district shall annually report to the  
27 superintendent of public instruction the following least restrictive  
28 environment data for students with disabilities who are eligible for  
29 special education and are between three and twenty-one years old.

30 (2) The report required under subsection (1) of this section must  
31 include at least the following:

32 (a) The number of students who spend eighty to one hundred  
33 percent of the school day in a general education class. These student  
34 may receive supports and services including, but not limited to, a  
35 tutor or aide, assistive technology, related services, or other  
36 accommodations, provided within the general education classroom, or  
37 outside of the general education classroom for no more than twenty  
38 percent of the regular school day.

1 (b) The number of students who spend forty to seventy-nine  
2 percent of the school day in a general education classroom. These  
3 students receive individual or small-group instruction in a special  
4 education resource room or are pulled out of the general education  
5 classroom for some services for no more than sixty percent of the  
6 regular school day.

7 (c) The number of students who spend zero to thirty-nine percent  
8 of the school day in a general education classroom. These students  
9 receive specialized instruction with students in a self-contained  
10 classroom for no less than sixty-one percent of the regular school  
11 day.

12 (d) The number of students who attend specialized programs inside  
13 or outside of the resident school district, including private  
14 schools, residential programs, detention and correctional facilities,  
15 and hospital programs.

16 **Sec. 502.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended  
17 to read as follows:

18 The superintendent of public instruction shall have the duty and  
19 authority, through the administrative section or unit for the  
20 education of children with disabling conditions, to:

21 (1) Assist school districts in the formation of programs to meet  
22 the needs of children with disabilities;

23 (2) Develop interdistrict cooperation programs for children with  
24 disabilities as authorized in RCW 28A.225.250;

25 (3) Provide, upon request, to parents or guardians of children  
26 with disabilities, information as to the special education programs  
27 for students with disabilities offered within the state;

28 (4) Assist, upon request, the parent or guardian of any child  
29 with disabilities in the placement of any child with disabilities who  
30 is eligible for but not receiving special educational services for  
31 children with disabilities;

32 (5) Approve school district and agency programs as being eligible  
33 for special excess cost financial aid to students with disabilities;

34 (6) Consistent with the provisions of RCW 28A.150.390,  
35 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the  
36 federal individuals with disabilities education improvement act,  
37 administer administrative hearings and other procedures to ensure  
38 procedural safeguards of children with disabilities; (~~and~~)

1       (7) Make rules for the school district reporting required under  
2 section 501 of this act that align as much as possible with the  
3 federal individuals with disabilities education act, part B,  
4 reporting requirements on the same least restrictive environment  
5 data;

6       (8) Annually compile and report by school district the least  
7 restrictive environment data required under section 501 of this act.  
8 The report must be posted on the web site of the office of the  
9 superintendent of public instruction and submitted to the education  
10 committees of the house of representatives and the senate beginning  
11 December 15th, 2019, and every December 15th thereafter; and

12       (9) Promulgate such rules as are necessary to implement part B of  
13 the federal individuals with disabilities education improvement act  
14 or other federal law providing for special education services for  
15 children with disabilities and the several provisions of RCW  
16 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to  
17 ensure appropriate access to and participation in the general  
18 education curriculum and participation in statewide assessments for  
19 all students with disabilities.

20       **Sec. 503.** RCW 28A.150.550 and 2013 c 282 s 2 are each amended to  
21 read as follows:

22       (1) The following statewide indicators of educational system  
23 health are established:

24       (a) The percentage of students demonstrating the characteristics  
25 of entering kindergartners in all six areas identified by the  
26 Washington kindergarten inventory of developing skills administered  
27 in accordance with RCW 28A.655.080;

28       (b) The percentage of students meeting the standard on the fourth  
29 grade statewide reading assessment administered in accordance with  
30 RCW 28A.655.070;

31       (c) The percentage of students meeting the standard on the eighth  
32 grade statewide mathematics assessment administered in accordance  
33 with RCW 28A.655.070;

34       (d) The four-year cohort high school graduation rate;

35       (e) The percentage of high school graduates who during the second  
36 quarter after graduation are either enrolled in postsecondary  
37 education or training or are employed, and the percentage during the  
38 fourth quarter after graduation who are either enrolled in  
39 postsecondary education or training or are employed; and

1 (f) The percentage of students enrolled in precollege or remedial  
2 courses in college.

3 (2) The statewide indicators established in subsection (1) of  
4 this section shall be disaggregated as provided under RCW  
5 28A.300.042.

6 (3) The state board of education, with assistance from the office  
7 of the superintendent of public instruction, the workforce training  
8 and education coordinating board, the educational opportunity gap  
9 oversight and accountability committee, and the student achievement  
10 council, shall establish a process for identifying realistic but  
11 challenging system-wide performance goals and measurements, if  
12 necessary, for each of the indicators established in subsection (1)  
13 of this section, including for subcategories of students as provided  
14 under subsection (2) of this section. The performance goal for each  
15 indicator must be set on a biennial basis, and may only be adjusted  
16 upward.

17 (4) The state board of education, the office of the  
18 superintendent of public instruction, and the student achievement  
19 council shall each align their strategic planning and education  
20 reform efforts with the statewide indicators and performance goals  
21 established under this section.

22 (5)(a) The state board of education, with assistance from the  
23 office of the superintendent of public instruction, the workforce  
24 training and education coordinating board, the educational  
25 opportunity gap oversight and accountability committee, and the  
26 student achievement council, shall submit a report on the status of  
27 each indicator in subsection (1) of this section and recommend  
28 revised performance goals and measurements, if necessary, by December  
29 1st of each even-numbered year, except that the initial report  
30 establishing baseline values and initial goals shall be delivered to  
31 the education committees of the legislature by December 1, 2013.

32 (b) If the educational system is not on target to meet the  
33 performance goals on any individual indicator, the report must  
34 recommend evidence-based reforms intended to improve student  
35 achievement in that area.

36 (c) To the extent data is available, the performance goals for  
37 each indicator must be compared with national data in order to  
38 identify whether Washington student achievement results are within  
39 the top ten percent nationally or are comparable to results in peer  
40 states with similar characteristics as Washington. If comparison data

1 show that Washington students are falling behind national peers on  
2 any indicator, the report must recommend evidence-based reforms  
3 targeted at addressing the indicator in question.

4 (6) Any school district that meets or exceeds any system-wide  
5 performance goals or measurements established under subsection (3) of  
6 this section for students with disabilities must be recognized in the  
7 next report required under subsection (5) of this section.  
8 Additionally, these school districts must receive a recognition award  
9 as determined under section 504 of this act.

10 NEW SECTION. Sec. 504. A new section is added to chapter  
11 28A.305 RCW to read as follows:

12 The state board of education in collaboration with the office of  
13 the superintendent of public instruction shall decide upon the  
14 details of the recognition award for school districts under RCW  
15 28A.150.550(6). The award may be a banner, ribbon, medal, trophy,  
16 plaque, or other type of award. The school district shall receive  
17 enough of the awards for each individual school in the school  
18 district to display the award in the school.

19 **PART VI**

20 **TRANSITION PLANNING**

21 **Sec. 601.** RCW 28A.155.220 and 2015 c 217 s 2 are each amended to  
22 read as follows:

23 (1) The office of the superintendent of public instruction must  
24 establish interagency agreements with the department of social and  
25 health services, the department of services for the blind, and any  
26 other state agency that provides high school transition services for  
27 special education students. Such interagency agreements shall not  
28 interfere with existing individualized education programs, nor  
29 override any individualized education program team's decision-making  
30 power. The purpose of the interagency agreements is to foster  
31 effective collaboration among the multiple agencies providing  
32 transition services for individualized education program-eligible  
33 special education students from the beginning of transition planning,  
34 as soon as educationally and developmentally appropriate, through age  
35 twenty-one, or through high school graduation, whichever occurs  
36 first. Interagency agreements are also intended to streamline

1 services and programs, promote efficiencies, and establish a uniform  
2 focus on improved outcomes related to self-sufficiency.

3 (2) (a) When educationally and developmentally appropriate, the  
4 interagency responsibilities and linkages with transition services  
5 under subsection (1) of this section must be addressed in a  
6 transition plan to a postsecondary setting in the individualized  
7 education program of a student with disabilities.

8 (b) Transition planning shall be based upon educationally and  
9 developmentally appropriate transition assessments that outline the  
10 student's individual needs, strengths, preferences, and interests.  
11 Transition assessments may include observations, interviews,  
12 inventories, situational assessments, formal and informal  
13 assessments, as well as academic assessments.

14 (c) The transition services that the transition plan must address  
15 include activities needed to assist the student in reaching  
16 postsecondary goals and courses of study to support postsecondary  
17 goals.

18 (d) Transition activities that the transition plan may address  
19 include instruction, related services, community experience,  
20 employment and other adult living objectives, daily living skills,  
21 and functional vocational evaluation.

22 (e) Beginning when a student reaches the age of sixteen and  
23 continuing until the student reaches the age of twenty-one, or  
24 through high school graduation, whichever occurs first, a  
25 representative from the division of vocational rehabilitation in the  
26 department of social and health services must attend all  
27 individualized education program meetings to assist students with  
28 transition planning.

29 (f) When educationally and developmentally appropriate, a  
30 discussion must take place with the student and parents, and others  
31 as needed, to determine the postsecondary goals or postschool vision  
32 for the student. This discussion may be included as part of an annual  
33 individualized education program review, high school and beyond plan  
34 meeting, or any other meeting that includes parents, students, and  
35 educators. The postsecondary goals included in the transition plan  
36 shall be goals that are measurable and must be based on appropriate  
37 transition assessments related to training, education, employment,  
38 and independent living skills, when necessary. The goals must also be  
39 based on the student's needs, while considering the strengths,  
40 preferences, and interests of the student. During this discussion,

1 students and parents must be provided with information about the  
2 Washington achieving a better life experience program, including  
3 information on eligibility, benefits, and Washington achieving a  
4 better life experience program account creation.

5 ~~((f))~~ (g) As the student gets older, changes in the transition  
6 plan may be noted in the annual update of the student's  
7 individualized education program.

8 ~~((g))~~ (h) A student with disabilities who has a high school and  
9 beyond plan may use the plan to comply with the transition plan  
10 required under this subsection (2).

11 (3) To the extent that data is available through data-sharing  
12 agreements established by the education data center under RCW  
13 43.41.400, the education data center must monitor the following  
14 outcomes for individualized education program-eligible special  
15 education students after high school graduation:

16 (a) The number of students who, within one year of high school  
17 graduation:

18 (i) Enter integrated employment paid at the greater of minimum  
19 wage or competitive wage for the type of employment, with access to  
20 related employment and health benefits; or

21 (ii) Enter a postsecondary education or training program focused  
22 on leading to integrated employment;

23 (b) The wages and number of hours worked per pay period;

24 (c) The impact of employment on any state and federal benefits  
25 for individuals with disabilities;

26 (d) Indicators of the types of settings in which students who  
27 previously received transition services primarily reside;

28 (e) Indicators of improved economic status and self-sufficiency;

29 (f) Data on those students for whom a postsecondary or integrated  
30 employment outcome does not occur within one year of high school  
31 graduation, including:

32 (i) Information on the reasons that the desired outcome has not  
33 occurred;

34 (ii) The number of months the student has not achieved the  
35 desired outcome; and

36 (iii) The efforts made to ensure the student achieves the desired  
37 outcome.

38 (4) To the extent that the data elements in subsection (3) of  
39 this section are available to the education data center through data-  
40 sharing agreements, the office of the superintendent of public

1 instruction must prepare an annual report using existing resources  
2 and submit the report to the legislature.

3 **PART VII**

4 **FUNDING**

5 **Sec. 701.** RCW 28A.150.390 and 2018 c 266 s 102 are each amended  
6 to read as follows:

7 (1) The superintendent of public instruction shall submit to each  
8 regular session of the legislature during an odd-numbered year a  
9 programmed budget request for special education programs for students  
10 with disabilities. Funding for programs operated by local school  
11 districts shall be on an excess cost basis from appropriations  
12 provided by the legislature for special education programs for  
13 students with disabilities and shall take account of state funds  
14 accruing through RCW 28A.150.260 (4) (a), (5), (6), and (8) and  
15 28A.150.415.

16 (2) The excess cost allocation to school districts shall be based  
17 on the following:

18 (a) A district's annual average headcount enrollment of students  
19 ages birth through four and those five year olds not yet enrolled in  
20 kindergarten who are eligible for and enrolled in special education,  
21 multiplied by the district's base allocation per full-time equivalent  
22 student, multiplied by 1.15; and

23 (b) A district's annual average full-time equivalent basic  
24 education enrollment, multiplied by the district's funded enrollment  
25 percent, multiplied by the district's base allocation per full-time  
26 equivalent student, multiplied by 0.9609.

27 (3) As used in this section:

28 (a) "Base allocation" means the total state allocation to all  
29 schools in the district generated by the distribution formula under  
30 RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation under  
31 RCW 28A.150.415, to be divided by the district's full-time equivalent  
32 enrollment.

33 (b) "Basic education enrollment" means enrollment of resident  
34 students including nonresident students enrolled under RCW  
35 28A.225.225 and students from nonhigh districts enrolled under RCW  
36 28A.225.210 and excluding students residing in another district  
37 enrolled as part of an interdistrict cooperative program under RCW  
38 28A.225.250.

1 (c) "Enrollment percent" means the district's resident special  
2 education annual average enrollment, excluding students ages birth  
3 through four and those five year olds not yet enrolled in  
4 kindergarten, as a percent of the district's annual average full-time  
5 equivalent basic education enrollment.

6 (d) "Funded enrollment percent" means:

7 (i) The lesser of the district's actual enrollment percent or  
8 thirteen and five-tenths percent; or

9 (ii) For school districts with a student enrollment under one  
10 thousand students, the actual enrollment percent, if above thirteen  
11 and five-tenths percent.

12 **Sec. 702.** RCW 28A.150.392 and 2018 c 266 s 106 are each amended  
13 to read as follows:

14 (1)(a) To the extent necessary, funds shall be made available for  
15 safety net awards for districts with demonstrated needs for special  
16 education funding beyond the amounts provided through the special  
17 education funding formula under RCW 28A.150.390. The state allocation  
18 for the special education safety net shall be specified in the  
19 omnibus appropriations act but must be at least five percent of the  
20 total allocated to school districts under RCW 28A.150.390(2)(b).

21 (b) If the federal safety net awards based on the federal  
22 eligibility threshold exceed the federal appropriation in any fiscal  
23 year, then the superintendent shall expend all available federal  
24 discretionary funds necessary to meet this need.

25 (2) Safety net funds shall be awarded by the state safety net  
26 oversight committee subject to the following conditions and  
27 limitations:

28 (a) The committee shall award additional funds for districts that  
29 can convincingly demonstrate that all legitimate expenditures for  
30 special education exceed all available revenues from state funding  
31 formulas.

32 (b) In the determination of need, the committee shall consider  
33 additional available revenues from federal sources.

34 (c) Differences in program costs attributable to district  
35 philosophy, service delivery choice, or accounting practices are not  
36 a legitimate basis for safety net awards.

37 (d) In the determination of need, the committee shall require  
38 that districts demonstrate that they are maximizing their eligibility  
39 for all state revenues related to services for special education-

1 eligible students and all federal revenues from federal impact aid,  
2 medicaid, and the individuals with disabilities education act-Part B  
3 and appropriate special projects. Awards associated with (e) and (f)  
4 of this subsection shall not exceed the total of a district's  
5 specific determination of need.

6 (e) The committee shall then consider the extraordinary high cost  
7 needs of one or more individual special education students.  
8 Differences in costs attributable to district philosophy, service  
9 delivery choice, or accounting practices are not a legitimate basis  
10 for safety net awards.

11 (f) Using criteria developed by the committee, the committee  
12 shall then consider extraordinary costs associated with communities  
13 that draw a larger number of families with children in need of  
14 special education services, which may include consideration of  
15 proximity to group homes, military bases, and regional hospitals.  
16 Safety net awards under this subsection (2)(f) shall be adjusted to  
17 reflect amounts awarded under (e) of this subsection.

18 (g) The committee shall then consider the extraordinary high cost  
19 needs of one or more individual special education students served in  
20 residential schools as defined in RCW 28A.190.020, programs for  
21 juveniles under the department of corrections, and programs for  
22 juveniles operated by city and county jails to the extent they are  
23 providing a program of education for students enrolled in special  
24 education.

25 (h) The maximum allowable indirect cost for calculating safety  
26 net eligibility may not exceed the federal restricted indirect cost  
27 rate for the district plus one percent.

28 (i) Safety net awards shall be adjusted based on the percent of  
29 potential medicaid eligible students billed as calculated by the  
30 superintendent of public instruction in accordance with chapter 318,  
31 Laws of 1999.

32 (j) Safety net awards must be adjusted for any audit findings or  
33 exceptions related to special education funding.

34 (3) The superintendent of public instruction shall adopt such  
35 rules and procedures as are necessary to administer the special  
36 education funding and safety net award process. By December 1, 2018,  
37 the superintendent shall review and revise the rules to achieve full  
38 and complete implementation of the requirements of this subsection  
39 and subsection (4) of this section including revisions to rules that  
40 provide additional flexibility to access community impact awards.

1 Before revising any standards, procedures, or rules, the  
2 superintendent shall consult with the office of financial management  
3 and the fiscal committees of the legislature. In adopting and  
4 revising the rules, the superintendent shall ensure the application  
5 process to access safety net funding is streamlined, timelines for  
6 submission are not in conflict, feedback to school districts is  
7 timely and provides sufficient information to allow school districts  
8 to understand how to correct any deficiencies in a safety net  
9 application, and that there is consistency between awards approved by  
10 school district and by application period. The office of the  
11 superintendent of public instruction shall also provide technical  
12 assistance to school districts in preparing and submitting special  
13 education safety net applications.

14 (4) On an annual basis, the superintendent shall survey districts  
15 regarding their satisfaction with the safety net process and consider  
16 feedback from districts to improve the safety net process. Each year  
17 by December 1st, the superintendent shall prepare and submit a report  
18 to the office of financial management and the appropriate policy and  
19 fiscal committees of the legislature that summarizes the survey  
20 results and those changes made to the safety net process as a result  
21 of the school district feedback.

22 (5) The safety net oversight committee appointed by the  
23 superintendent of public instruction shall consist of:

24 (a) One staff member from the office of the superintendent of  
25 public instruction;

26 (b) Staff of the office of the state auditor who shall be  
27 nonvoting members of the committee; and

28 (c) One or more representatives from school districts or  
29 educational service districts knowledgeable of special education  
30 programs and funding.

31 NEW SECTION. **Sec. 703.** A new section is added to chapter  
32 28A.155 RCW to read as follows:

33 (1) School districts are encouraged to participate in the  
34 establishment or continuation of existing cooperative programs  
35 between or among school districts, or educational service districts  
36 and school districts, to provide special education and services to  
37 eligible students with disabilities.

1           (2) Prior to the 2020-21 school year and every five years  
2 thereafter, each special education cooperative must apply for  
3 approval of the program by the superintendent of public instruction.

--- **END** ---